



**US Army Corps
of Engineers** ®

PUBLIC ANNOUNCEMENT

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PUBLIC ANNOUNCEMENT For The Montana Stream Mitigation Procedure (MTSMP)

The U.S. Army Corps of Engineers (Corps), Omaha District, Montana Field Office announces the release of the Montana Stream Mitigation Process (MTSMP). The new MTSMP replaces previous Draft versions of stream mitigation processes and is the current compensatory Stream Mitigation Procedure within the State of Montana. The MTSMP describes the method for quantifying the adverse impacts (debits) and the acceptable compensatory mitigation (credits) in relation to a project that would result in more than minimal adverse impacts to a stream. It is applicable to Corps regulatory actions requiring compensatory mitigation for adverse ecological effects where more rigorous, detailed functional assessment techniques such as the Hydrogeomorphic (HGM) methodology, are not considered practical or necessary. The MTSMP was developed in conjunction with the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule (40 CFR Part 230, and 33 CFR Part 332).

The intent of the MTSMP was to provide a basic written framework to serve as an accounting method for calculating debits and credits which would provide predictability and consistency for the development, review, and approval of compensatory stream mitigation. While this method was not intended for use as project design criteria, appropriate application of the method should minimize uncertainty in the development and approval of mitigation plans and allow expeditious review of applications. Nothing in the MTSMP should be interpreted as a promise or guarantee that a project following the process will be approved. Specific features of a particular project may warrant or allow for alternative mitigation methods.

The MTSMP describes the method for quantifying the adverse impacts to streams and the acceptable compensatory mitigation required. The following points are noted:

- All sizes and types of projects and all streams (ephemeral, intermittent and perennial) can be evaluated under the MTSMP. Impacts to streams are calculated based upon the type of impact in combination with overall linear footage, ultimately defined as debits. Mitigation to offset those adverse impacts is provided by increases in stream or riparian area function resulting from the mitigation project.
- For impacts to streams where impacts extend to adjacent wetlands, the MTSMP will be used to calculate mitigation for the stream impacts, while the Wetland Compensatory Mitigation Ratios for the Montana Regulatory Program (most recently revised in April 2005) will be used to

calculate mitigation requirements for wetland impacts. When warranted, functional assessment tools or other methods for calculating debits and credits may be applied on a case-specific basis for wetland or stream impacts instead of using the MTSMP or ratios.

- When this MTSMP is used in the establishment of a mitigation bank, the Corps will consult with the bank's Interagency Review Team (IRT), with the goal of achieving a consensus of the IRT regarding the factors, elements, and design of the Mitigation Banking Instrument and project features.
- Other functional assessment methods such as Hydrogeomorphic (HGM) or other watershed approach may be used instead of the MTSMP on a case-specific basis.

Projects Not Requiring Mitigation: Due to minimal or no adverse impacts to aquatic resources, no compensatory mitigation may be necessary for certain types and/or sizes of projects. Projects less than 150 linear feet will not normally require compensatory mitigation. Approved stream, restoration projects of any length will not typically require compensatory mitigation. Projects between 150 and 300 feet in length will require mitigation on a case-specific basis. Projects that result in more than 300 linear feet of impact will usually require compensatory mitigation. Section 323.4 of the Federal Clean Water Act (33 CFR Parts 320-330) lists specific types of activities that are exempt from regulation. A more comprehensive discussion of projects not requiring mitigation is provided in Appendix D of the MTSMP. Also listed are descriptions of activities that are regulated, but because of their minimal or nominal impact to aquatic resources, will not require mitigation.

MTSMP Updates: Efforts have been made in the preparation of this document to incorporate the most current Corps policy, but policies and regulations regarding mitigation can change at the District or National level. Periodic modifications to the MTSMP may be necessary. If a discrepancy or error is discovered within the MTSMP, users should notify the Corps of the item. The Corps will review the MTSMP and relevant policy, obtain clarification, and modify the Montana Stream Mitigation Process as necessary.

Questions/Comments: Questions and comments should be submitted to Todd Tillinger, US Army Corps of Engineers, Montana Program Manager, 10 West 15th Street, Suite 2200, Helena, Montana 59626.

Copies of this public document and related information are available on the Montana Regulatory Program Website at: <https://www.nwo.usace.army.mil/html/od-rmt/mthome.htm>